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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/531,788	04/18/2005	Uwe Has	2002P01277WOUS	2239

46726 7590 12/21/2006  
BSH HOME APPLIANCES CORPORATION  
INTELLECTUAL PROPERTY DEPARTMENT  
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EXAMINER
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PAIK, SANG YEOP

ART UNIT	PAPER NUMBER
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3742

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	12/21/2006	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

## Office Action Summary

Application No.

10/531,788

Applicant(s)

HAS, UWE

Examiner

Sang Y. Paik

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 04 October 2006.  
2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.  
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 9-26 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.  
6) ☒ Claim(s) 9-26 is/are rejected.  
7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.  
8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.  
10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)  
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.  
4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_.  
5) ☐ Notice of Informal Patent Application  
6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 9-11, 16, 18, 19, 23 and 24 are rejected under 35 U.S.C. 102(b) as being anticipated by Garcia et al (US 6,153,837).

Garcia shows the device claimed including at least two cooking points, at least one actuation member (13) such as a toggle switch having a plurality of actuation modes including a mode for selecting cooking points and one additional actuation mode for increasing or decreasing the heating level, a sensor (45) for sensing the actuation member, and the actuation member being moved in predetermined directions to actuate the modes by tilting and rotating the actuation member.

### ***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 12, 13, 15, 17, 20, 21, 25 and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Garcia et al (US 6,153,837) in view of Ito et al (US 4,691,659) or Rayner (US 3,639,705).

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Garcia shows the device claimed except the actuation element having a pushbutton.

Ito or Rayner shows it is well known in the art of an actuation element with a pushbutton to activate.

In view of Ito or Rayner, it would have been obvious to one of ordinary skill in the art to adapt Garcia with the actuation member with a pushbutton to further incorporate activation of the actuation member.

With respect to claims 13 and 21, while Garcia does not show that its toggle switch has the claimed grip area, it would have been obvious to one of ordinary skill in the art to provide its toggle switch with the claimed area or any other area since such would have been dependent upon the cost and aesthetic appearances of the toggle actuation switch, and, also with respect to claims 15 and 17, it would also have been obvious to provide the actuation element to extend within the claimed range to adequately allow the user to use and activate such switch while providing an aesthetic appearance of the switch mounted on the cooking surface.

3. Claims 14 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Garcia et al (US 6,153,837) in view of Sawyer (US 6,433,777).

Garcia shows the device claimed except the actuation element having a telescopic section.

Sawyer shows an actuation element such as a toggle switch having a telescopic section to allow the user the convenience of having an extended switch when in use.

In view of Sawyer, it would have been obvious to one of ordinary skill in the art to adapt Garcia with the telescopic section to conveniently allow the user the extended switch when in use and to retract the switch as needed.

***Response to Arguments***

4. Applicant's arguments filed 10/4/06 have been fully considered but they are not persuasive. The applicant argues Garcia fails to teach an additional actuation mode and a sensor associated with the additional actuation mode, and the applicant argues that the additional actuation mode can be, for example, to trigger a parboil surge of a selected cooking location. It is noted that there is no recitation in the claims that the additional actuation mode is to perform the function as discussed by the applicant. The claims recite that the actuation member has a plurality of actuation modes **at least** one of the recited modes and **at least** one additional actuation mode. Such recitation allows for the actuation member to perform at least two actuation modes which Garcia clearly teaches along with the sensor that responds to the selected mode.

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

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6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sang Y. Paik whose telephone number is 571-272-4783. The examiner can normally be reached on M-F (9:00-4:00) First Friday Off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robin Evans can be reached on 571-272-4777. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Sang Y Paik  
Primary Examiner  
Art Unit 3742

syp